

106TH CONGRESS  
1ST SESSION

# H. R. 1326

To continue and expand the program to provide assistance to separated and retired members of the Armed Forces to obtain certification and employment as teachers, to transfer the jurisdiction over the program to the Secretary of Education, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1999

Mr. HEFLEY (for himself, Mr. EDWARDS, Mr. GALLEGLY, and Mr. HILL of Indiana) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To continue and expand the program to provide assistance to separated and retired members of the Armed Forces to obtain certification and employment as teachers, to transfer the jurisdiction over the program to the Secretary of Education, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINI-**  
 2 **TIONS.**

3 (a) SHORT TITLE.—This Act may be cited as the  
 4 “Troops-to-Teachers Program Improvement Act of 1999”.

5 (b) TABLE OF CONTENTS.—The table of contents of  
 6 this Act is as follows:

- Sec. 1. Short title; table of contents; definitions.
- Sec. 2. Troops-to-Teachers Program of the Department of Education.
- Sec. 3. Eligible members of the Armed Forces.
- Sec. 4. Selection of participants.
- Sec. 5. Participation agreement.
- Sec. 6. Stipend and bonus for participants.
- Sec. 7. Discharge of State activities through consortia of States.
- Sec. 8. Assistance to States in conducting activities under Program.
- Sec. 9. Transfer of jurisdiction over current program.
- Sec. 10. Reporting requirements.
- Sec. 11. Authorization of appropriations.

7 (c) DEFINITIONS.—In this Act:

8 (1) The term “State” includes the District of  
 9 Columbia, American Samoa, the Federated States of  
 10 Micronesia, Guam, the Republic of the Marshall Is-  
 11 lands, the Commonwealth of the Northern Mariana  
 12 Islands, the Commonwealth of Puerto Rico, the Re-  
 13 public of Palau, and the United States Virgin Is-  
 14 lands.

15 (2) The term “alternative certification or licen-  
 16 sure requirements” means State or local teacher cer-  
 17 tification or licensure requirements that permit a  
 18 demonstrated competence in appropriate subject  
 19 areas gained in careers outside of education to be

1 substituted for traditional teacher training course  
2 work.

3 **SEC. 2. TROOPS-TO-TEACHERS PROGRAM OF THE DEPART-**  
4 **MENT OF EDUCATION.**

5 (a) PROGRAM AUTHORIZED.—The Secretary of Edu-  
6 cation, in consultation with the Secretary of Defense and  
7 the Secretary of Transportation with respect to the Coast  
8 Guard, may carry out a program (to be known as the  
9 “Troops-to-Teachers Program”)—

10 (1) to assist eligible members of the Armed  
11 Forces after their discharge or release, or retire-  
12 ment, from active duty to obtain certification or li-  
13 censure as elementary or secondary school teachers  
14 or as vocational or technical teachers; and

15 (2) to facilitate the employment of such mem-  
16 bers by local educational agencies identified under  
17 subsection (b)(1).

18 (b) IDENTIFICATION OF LOCAL EDUCATIONAL AGEN-  
19 CIES WITH TEACHER SHORTAGES.—

20 (1) IN GENERAL.—In carrying out the Troops-  
21 to-Teachers Program, the Secretary of Education  
22 shall periodically identify local educational agencies  
23 that—

24 (A) are receiving grants under title I of the  
25 Elementary and Secondary Education Act of

1           1965 (20 U.S.C. 6301 et seq.) as a result of  
2           having within their jurisdictions concentrations  
3           of children from low-income families; or

4                   (B) are experiencing a shortage of quali-  
5           fied teachers, in particular a shortage of  
6           science, mathematics, special education, or vo-  
7           cational or technical teachers.

8           (2) IDENTIFICATION METHODS.—The Secretary  
9           may identify local educational agencies under para-  
10          graph (1) through surveys conducted for that pur-  
11          pose or by utilizing information on local educational  
12          agencies that is available to the Secretary from other  
13          sources.

14          (c) IDENTIFICATION OF STATES WITH ALTERNATIVE  
15          CERTIFICATION REQUIREMENTS.—In carrying out the  
16          Troops-to-Teachers Program, the Secretary of Education  
17          shall also conduct a survey of States to identify those  
18          States that have alternative certification or licensure re-  
19          quirements for teachers, including those States that grant  
20          credit for service in the Armed Forces toward satisfying  
21          certification or licensure requirements for teachers.

22   **SEC. 3. ELIGIBLE MEMBERS OF THE ARMED FORCES.**

23          (a) ELIGIBLE MEMBERS.—The following members of  
24          the Armed Forces shall be eligible for selection to partici-  
25          pate in the program:

1 (1) Any member who—

2 (A) during the period beginning on Octo-  
3 ber 1, 1990, and ending on September 30,  
4 1999, was involuntarily discharged or released  
5 from active duty for purposes of a reduction of  
6 force after six or more years of continuous ac-  
7 tive duty immediately before the discharge or  
8 release; and

9 (B) satisfies such other criteria for selec-  
10 tion as the Secretary of Education, in consulta-  
11 tion with the Secretary of Defense and the Sec-  
12 retary of Transportation, may prescribe.

13 (2) Any member who applied for the teacher  
14 placement program administered under section 1151  
15 of title 10, United States Code, before the expiration  
16 of that program and who satisfies the eligibility cri-  
17 teria specified in subsection (c) of such section.

18 (3) Any member who—

19 (A) on or after October 1, 1999, is retired  
20 for length of service with at least 20 years of  
21 active service computed under section 3925,  
22 3926, 8925, or 8926 of title 10, United States  
23 Code, or for purposes of chapter 571 of such  
24 title or is retired under section 1201 or 1204  
25 of such title; and

1 (B) satisfies the criteria prescribed under  
2 paragraph (1)(B).

3 (b) EDUCATION BACKGROUND.—In the case of a  
4 member of the Armed Forces described in subsection  
5 (a)(3) who is applying for assistance for placement as an  
6 elementary or secondary school teacher, the Secretary of  
7 Education shall require the member to have received a  
8 baccalaureate or advanced degree from an accredited insti-  
9 tution of higher education. In the case of a member de-  
10 scribed in subsection (a)(3) who is applying for assistance  
11 for placement as a vocational or technical teacher, the Sec-  
12 retary of Education shall require the member—

13 (1) to have received the equivalent of one year  
14 of college from an accredited institution of higher  
15 education and have 10 or more years of military ex-  
16 perience in a vocational or technical field; or

17 (2) to otherwise meet the certification or licen-  
18 sure requirements for a vocational or technical  
19 teacher in the State in which the member seeks as-  
20 sistance for placement under the program.

21 (c) INELIGIBLE MEMBERS.—A member of the Armed  
22 Forces who is discharged or released from active duty, or  
23 retires from service, under other than honorable conditions  
24 shall not be eligible to participate in the Troops-to-Teach-  
25 ers Program.

1 (d) INFORMATION REGARDING PROGRAM.—

2 (1) PROVISION OF INFORMATION.—The Sec-  
3 retary of Education, in consultation with the Sec-  
4 retary of Defense and the Secretary of Transpor-  
5 tation, shall provide information regarding the  
6 Troops-to-Teachers Program, and make applications  
7 for the program available, to members of the Armed  
8 Forces as part of preseparation counseling provided  
9 under section 1142 of title 10, United States Code.

10 (2) TYPES OF INFORMATION.—The information  
11 provided to members shall—

12 (A) indicate the local educational agencies  
13 identified under section 2(b); and

14 (B) identify those States surveyed under  
15 section 2(c) that have alternative certification  
16 or licensure requirements for teachers, includ-  
17 ing those States that grant credit for service in  
18 the Armed Forces toward satisfying such re-  
19 quirements.

20 **SEC. 4. SELECTION OF PARTICIPANTS.**

21 (a) SUBMISSION OF APPLICATIONS.—Selection of eli-  
22 gible members of the Armed Forces to participate in the  
23 Troops-to-Teachers Program shall be made on the basis  
24 of applications submitted to the Secretary of Education  
25 on a timely basis. An application shall be in such form

1 and contain such information as the Secretary may re-  
2 quire.

3 (b) TIMELY APPLICATIONS.—An application shall be  
4 considered to be submitted on a timely basis if the applica-  
5 tion is submitted as follows:

6 (1) In the case of an applicant who is eligible  
7 under section 3(a)(1) or 3(a)(2), not later than Sep-  
8 tember 30, 2003.

9 (2) In the case of an applicant who is eligible  
10 under section 3(a)(3), not later than four years after  
11 the date of the retirement of the applicant from ac-  
12 tive duty.

13 (c) SELECTION PRIORITIES.—In selecting partici-  
14 pants to receive assistance for placement as elementary  
15 or secondary school teachers or vocational or technical  
16 teachers, the Secretary of Education shall give priority to  
17 eligible members who—

18 (1) have educational or military experience in  
19 science, mathematics, special education, or voca-  
20 tional or technical subjects and agree to seek em-  
21 ployment as science, mathematics, or special edu-  
22 cation teachers in elementary or secondary schools  
23 or in other schools under the jurisdiction of a local  
24 educational agency; or



1           (2) have educational or military experience in  
2           another subject area identified by the Secretary, in  
3           consultation with the National Governors Association,  
4           as important for national educational objectives  
5           and agree to seek employment in that subject area  
6           in elementary or secondary schools.

7           (d) SELECTION SUBJECT TO FUNDING.—The Secretary  
8           of Education may not select a member to participate  
9           in the program unless the Secretary has sufficient  
10          appropriations for the Troops-to-Teachers Program available  
11          at the time of the selection to satisfy the obligations  
12          to be incurred by the United States under section 6 with  
13          respect to that member.

14       **SEC. 5. PARTICIPATION AGREEMENT.**

15          (a) AGREEMENT REQUIRED; TERMS.—A member of  
16          the Armed Forces selected to participate in the Troops-  
17          to-Teachers Program shall be required to enter into an  
18          agreement with the Secretary of Education in which the  
19          member agrees—

20               (1) to obtain, within such time as the Secretary  
21               may require, certification or licensure as an elementary  
22               or secondary school teacher or vocational or  
23               technical teacher; and

24               (2) to accept an offer of full-time employment  
25               as an elementary or secondary school teacher or vo-

1 cational or technical teacher for not less than four  
2 school years with a local educational agency identi-  
3 fied under 2, to begin the school year after obtaining  
4 that certification or licensure.

5 (b) EXCEPTIONS TO VIOLATION DETERMINATION.—

6 A participant in the Troops-to-Teachers Program shall not  
7 be considered to be in violation of an agreement entered  
8 into under subsection (a) during any period in which the  
9 participant—

10 (1) is pursuing a full-time course of study re-  
11 lated to the field of teaching at an eligible institu-  
12 tion;

13 (2) is serving on active duty as a member of the  
14 Armed Forces;

15 (3) is temporarily totally disabled for a period  
16 of time not to exceed three years as established by  
17 sworn affidavit of a qualified physician;

18 (4) is unable to secure employment for a period  
19 not to exceed 12 months by reason of the care re-  
20 quired by a spouse who is disabled;

21 (5) is seeking and unable to find full-time em-  
22 ployment as a teacher in an elementary or secondary  
23 school or as a vocational or technical teacher for a  
24 single period not to exceed 27 months; or

1           (6) satisfies the provisions of additional reim-  
2       bursement exceptions that may be prescribed by the  
3       Secretary of Education.

4   **SEC. 6. STIPEND AND BONUS FOR PARTICIPANTS.**

5       (a) STIPEND AUTHORIZED.—

6           (1) IN GENERAL.—Subject to paragraph (2),  
7       the Secretary of Education shall pay to each partici-  
8       pant in the Troops-to-Teachers Program a stipend  
9       in an amount equal to \$3,000.

10          (2) TOTAL NUMBER OF STIPENDS.—The total  
11       number of stipends that may be paid under para-  
12       graph (1) in any fiscal year may not exceed 5,000.

13       (b) BONUS AUTHORIZED.—

14          (1) IN GENERAL.—Subject to paragraph (2),  
15       the Secretary of Education may, in lieu of paying a  
16       stipend under subsection (a), pay a bonus of \$5,000  
17       to each participant in the Troops-to-Teachers Pro-  
18       gram who agrees under section 5 to accept full-time  
19       employment as an elementary or secondary school  
20       teacher or vocational or technical teacher for not less  
21       than four years in a high need school.

22          (2) TOTAL NUMBER OF BONUSES.—The total  
23       number of bonuses that may be paid under para-  
24       graph (1) in any fiscal year may not exceed 1,000.

1           (3) HIGH NEED SCHOOL DEFINED.—In this  
2 subsection, the term “high need school” means an  
3 elementary school or secondary school that meets  
4 one or more of the following criteria:

5           (A) A school with a drop out rate that ex-  
6 ceeds the national average school drop out rate.

7           (B) A school having a large percentage of  
8 students (as determined by the Secretary of  
9 Education in consultation with the National As-  
10 sessment Governing Board) who speak English  
11 as a second language.

12           (C) A school having a large percentage of  
13 students (as so determined) who are at risk of  
14 educational failure by reason of limited pro-  
15 ficiency in English, poverty, race, geographic lo-  
16 cation, or economic circumstances.

17           (D) A school at least one-half of whose  
18 students are from families with an income  
19 below the poverty line (as that term is defined  
20 by the Office of Management and Budget and  
21 revised annually in accordance with section  
22 673(2) of the Community Services Block Grant  
23 Act (42 U.S.C. 9902(2)) applicable to a family  
24 of the size involved.

1           (E) A school with a large percentage of  
2           students (as so determined) who qualify for as-  
3           sistance under part B of the Individuals with  
4           Disabilities Education Act (20 U.S.C. 1411 et  
5           seq.).

6           (F) A school meeting any other criteria es-  
7           tablished by the Secretary in consultation with  
8           the National Assessment Governing Board.

9       (c) TREATMENT OF STIPEND AND BONUS.—Stipends  
10      and bonuses paid under this section shall be taken into  
11      account in determining the eligibility of the participant  
12      concerned for Federal student financial assistance pro-  
13      vided under title IV of the Higher Education Act of 1965  
14      (20 U.S.C. 1070 et seq.).

15      (d) REIMBURSEMENT UNDER CERTAIN CIR-  
16      CUMSTANCES.—

17           (1) STIPEND.—If a participant in the Troops-  
18      to-Teachers Program fails to obtain teacher certifi-  
19      cation or licensure or employment as an elementary  
20      or secondary school teacher or vocational or tech-  
21      nical teacher as required under the agreement or  
22      voluntarily leaves, or is terminated for cause, from  
23      the employment during the four years of required  
24      service, the participant shall be required to reim-  
25      burse the Secretary of Education for any stipend

1       paid to the participant under subsection (a) in an  
2       amount that bears the same ratio to the amount of  
3       the stipend as the unserved portion of required serv-  
4       ice bears to the four years of required service.

5           (2) BONUS.—If a participant in the Troops-to-  
6       Teachers Program who is paid a bonus under sub-  
7       section (b) fails to obtain employment for which  
8       such bonus was paid, or voluntarily leaves or is ter-  
9       minated for cause from the employment during the  
10      four years of required service, the participant shall  
11      be required to reimburse the Secretary of Education  
12      for any bonus paid to the participant under that  
13      subsection in an amount that bears the same ratio  
14      to the amount of the bonus as the unserved portion  
15      of required service bears to the four years of re-  
16      quired service.

17          (3) TREATMENT OF OBLIGATION.—The obliga-  
18      tion to reimburse the Secretary of Education under  
19      this subsection is, for all purposes, a debt owing the  
20      United States. A discharge in bankruptcy under title  
21      11 shall not release a participant from the obligation  
22      to reimburse the Secretary.

23          (4) INTEREST.—Any amount owed by a partici-  
24      pant under this subsection shall bear interest at the  
25      rate equal to the highest rate being paid by the

1 United States on the day on which the reimburse-  
2 ment is determined to be due for securities having  
3 maturities of ninety days or less and shall accrue  
4 from the day on which the participant is first noti-  
5 fied of the amount due.

6 (e) EXCEPTIONS TO REIMBURSEMENT REQUIRE-  
7 MENT.—A participant in the Troops-to-Teachers Program  
8 shall be excused from reimbursement under subsection (d)  
9 if the participant becomes permanently totally disabled as  
10 established by sworn affidavit of a qualified physician. The  
11 Secretary of Education may also waive reimbursement in  
12 cases of extreme hardship to the participant, as deter-  
13 mined by the Secretary in consultation with the Secretary  
14 of Defense or the Secretary of Transportation, as the case  
15 may be.

16 (f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE  
17 UNDER MONTGOMERY GI BILL.—The receipt by a partic-  
18 ipant in the Troops-to-Teachers Program of any assist-  
19 ance under the program shall not reduce or otherwise af-  
20 fect the entitlement of the participant to any benefits  
21 under chapter 30 of title 38 or chapter 1606 of title 10,  
22 United States Code.

1 **SEC. 7. DISCHARGE OF STATE ACTIVITIES THROUGH CON-**  
2 **SORTIA OF STATES.**

3 The Secretary of Education may permit States par-  
4 ticipating in the Troops-to-Teachers Program to carry out  
5 activities authorized for such States under the program  
6 through one or more consortia of such States.

7 **SEC. 8. ASSISTANCE TO STATES IN CONDUCTING ACTIVI-**  
8 **TIES UNDER PROGRAM.**

9 (a) ASSISTANCE AUTHORIZED.—Subject to sub-  
10 section (b), the Secretary of Education may make grants  
11 to States participating in the Troops-to-Teachers Pro-  
12 gram, or to consortia of such States, in order to permit  
13 such States or consortia of States to operate offices for  
14 purposes of recruiting eligible members of the Armed  
15 Forces for participation in the program and facilitating  
16 the employment of participants in the program in schools  
17 in such States or consortia of States.

18 (b) TOTAL AMOUNT OF GRANTS.—The total amount  
19 of grants under subsection (a) in any fiscal year may not  
20 exceed \$4,000,000.

21 **SEC. 9. TRANSFER OF JURISDICTION OVER CURRENT PRO-**  
22 **GRAM.**

23 (a) EFFECT OF EXPIRATION OF DEFENSE PLACE-  
24 MENT PROGRAM.—The Secretary of Defense, Secretary of  
25 Transportation, and Secretary of Education shall provide  
26 for the transfer to the Secretary of Education of any on-



1 going functions and responsibilities of the Secretary of De-  
2 fense and the Secretary of Transportation with respect the  
3 program authorized by section 1151 of title 10, United  
4 States Code, for the period beginning on October 23,  
5 1992, and ending on September 30, 1999.

6 (b) TIME FOR TRANSFER.—The Secretaries shall  
7 complete the transfer under subsection (a) not later than  
8 October 1, 1999.

9 **SEC. 10. REPORTING REQUIREMENTS.**

10 (a) REPORT REQUIRED.—Not later than March 31,  
11 2002, the Secretary of Education and the Comptroller  
12 General shall each submit to Congress a report on the ef-  
13 fectiveness of the Troops-to-Teachers Program in the re-  
14 cruitment and retention of qualified personnel by local  
15 educational agencies identified under section 2(b).

16 (b) ELEMENTS OF REPORT.—The report under sub-  
17 section (a) shall include information on the following:

18 (1) The number of participants in the program.

19 (2) The schools in which such participants are  
20 employed.

21 (3) The grade levels at which such participants  
22 teach.

23 (4) The subject matters taught by such partici-  
24 pants.

1           (5) The effectiveness of the teaching of such  
2 participants, as indicated by any relevant test scores  
3 of the students of such participants.

4           (6) The extent of any academic improvement in  
5 the schools in which such participants teach by rea-  
6 son of their teaching.

7           (7) The rates of retention of such participants  
8 by the local educational agencies employing such  
9 participants.

10          (8) The effect of any stipends or bonuses in en-  
11 hancing participation in the program or in enhanc-  
12 ing recruitment or retention of participants in the  
13 program by the local educational agencies employing  
14 such participants.

15          (9) Such other matters as the Secretary of  
16 Education or the Comptroller General, as the case  
17 may be, considers appropriate.

18          (c) RECOMMENDATIONS.—The report of the Comp-  
19 troller General and the Secretary of Education under this  
20 section shall also include any recommendations of the  
21 Comptroller General as to means of improving the Troops-  
22 to-Teachers Program, including means of enhancing the  
23 recruitment and retention of participants in the program.

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
3 authorized to be appropriated for the Department of Edu-  
4 cation \$20,000,000 for each of fiscal years 2000 through  
5 2004 for purposes of carrying out the Troops-to-Teachers  
6 Program.

7 (b) LIMITATION ON USE OF FUNDS FOR MANAGE-  
8 MENT INFRASTRUCTURE.—The Secretary of Education  
9 may utilize not more than five percent of the funds avail-  
10 able to carry out the Troops-to-Teachers Program for a  
11 fiscal year for purposes of establishing and maintaining  
12 the management infrastructure necessary to support the  
13 program.

○